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JUL 15 2015

SC Court of Appeals

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STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Richland County  
Clifton Newman, Circuit Court Judge  
\_\_\_\_\_

THE STATE,

v.

CALVERT MYERS,

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RESPONDENT JUL 22 2015  
SC Court of Appeals

APPELLANT.

APPELLATE CASE NO. 2014-001803

\_\_\_\_\_  
MOTION FOR AN EXTENSION OF TIME  
IN WHICH TO FILE THE INITIAL BRIEF OF APPELLANT  
AND DESIGNATION OF MATTER  
\_\_\_\_\_

Counsel for appellant respectfully requests a **final thirty (30) day extension, until August 14, 2015**, in which to file the Initial Brief of Appellant and Designation of Matter in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. In support of this request, counsel shows:

1. The initial brief of appellant and designation of matter are due to be filed with the Court today. **Counsel regrets having to request this extension and will make every effort to file the brief prior to the thirty day deadline. Counsel regrets having to make this final extension request, and will make an effort to file brief early if possible.**

2. Counsel submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the number of extensions previously granted and the order

in which counsel attempts to manage his caseload, counsel hopes that no further extension requests will be required.

3. Counsel will file the brief of appellant and record on appeal in the case of State v. Rashondre Montese Boozer with this Court today. Counsel will file the petition for writ of certiorari to the Court of Appeals in the case of State v. Tawanda Allen with the Supreme Court on July 16, 2015. Counsel is preparing to file the return to the writ of certiorari to the Court of Appeals in the case of State v. Raheem D. King in the Supreme Court, which is due August 4, 2015. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Craig Geathers v. State with the Supreme Court on July 10, 2015. Counsel filed the brief of appellant and record on appeal in the case of State v. Jennifer Lorene Hatfield Griffin with this Court on July 8, 2015. Counsel filed the brief of appellant and designation of matter in the case of State v. Terry Hall with this Court on June 26, 2015. Counsel filed a petition for rehearing in the case of State v. Curtis J. Simms in the Supreme Court with co-counsel Susan Barber Hackett and co-counsel David Alexander on June 24, 2015. Counsel filed a redacted brief of appellant and designation of matter in the death penalty case of State v. Ricky Lee Blackwell in the Supreme Court with co-counsel David Alexander on June 18, 2015. Counsel filed a brief of petitioner in the case of State v. Antonio Miller with the Supreme Court on June 18, 2015. Counsel filed the petition for writ of certiorari to the Court of Appeals in the case of State v. William Pou with the Supreme Court on June 15, 2015. Counsel filed the Return to the Motion to Dismiss as Interlocutory in the case of State v. Bryan Rearick with this Court on June 15, 2015. Counsel filed the brief of appellant and designation of matter in the case of State v. Joshua Griffith with this Court on June 12, 2015. Counsel filed a Reply Brief in the case of Richard Bernard Moore v. State in the Supreme Court of the United States with co-counsel Susan Hackett on June 8, 2015. Counsel filed a Return to Motion to Dismiss in the case of John William Dixon v. State before the Supreme Court on June 8, 2015.

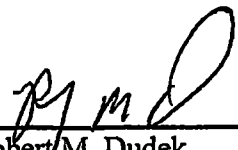
Counsel argued the case of State v. Charles M. Harris before the Supreme Court on June 3, 2015. Counsel filed the petition for writ of certiorari to the Court of Appeals in Michael A. Hough v. State with the Supreme Court on June 1, 2015, with co-counsel Lara Caudy. Counsel filed the brief with a novel double jeopardy issue in the case of State v. Bryan Rearick with this Court on May 29, 2015. Counsel filed motion to certify case for review by the Supreme Court in the case of State v. Bryan Rearick with the Supreme Court on May 29, 2015. **Counsel has extensive administrative duties as the Chief Appellate Defender, including administrative and Appellate Project oversight, and, as stated above, training three new appellate defenders and reading all of their writings. Counsel apologizes for the need to file this request.**

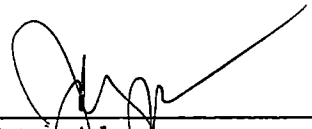
4. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

5. Counsel for the Attorney General's Office consents to this request as shown by signature below.

**WHEREFORE, the undersigned counsel would respectfully request a thirty (30) day extension until August 14, 2015, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. Counsel regrets having to make this final extension request, and will make an effort to file brief early if possible.**

Respectfully submitted,

  
\_\_\_\_\_  
Robert M. Dudek  
Chief Appellate Defender

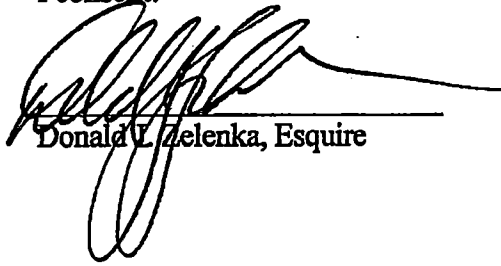


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T. Patton Adams  
Executive Director/  
J. Hugh Ryan, III  
General Counsel

This 15th day of July, 2015

I consent:



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Donald L. Zelenka, Esquire



**SCCID**

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

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SC Court of Appeals

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Division of Appellate Defense  
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Columbia, South Carolina 29201-3332  
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Robert M. Dudek, Chief Appellate Defender  
Wanda H. Carter, Deputy Chief Appellate Defender

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SC Court of Appeals

July 15, 2015

The Honorable Jenny Abbott Kitchings  
Clerk, S.C. Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

JUL 15 2015

Dear Ms. Kitchings:

In absence of Hugh Ryan, Deputy Attorney and General Counsel for the South Carolina Commission on Indigent Defense, and Patton Adams, Executive Director of the South Carolina Commission on Indigent Defense, and pursuant to instructions from Mr. Ryan, I ask that you accept this cover letter as an attempt to comply with the Court's order dated March 18, 2009, in regard to extension requests.

In the attached motion for an extension of time, Chief Appellate Defender, Robert M. Dudek, seeks a thirty day extension of time to file the initial brief of appellant and designation of matter. Based on that and his extremely heavy case load, as outlined in the motion, he was unable to complete the initial brief of appellant and designation of matter.

Thank you for allowing me to bring this to your attention. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Lisa Campbell  
Assistant Director  
South Carolina Commission on  
Indigent Defense

ORIGINAL



**SCCID**

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

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Robert M. Dudek, Chief Appellate Defender  
Wanda H. Carter, Deputy Chief Appellate Defender

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SC Court of Appeals

The Honorable Jenny Abbott Kitchings  
Clerk, S.C. Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

RE: State v. Calvert Myers  
Appellate Case No. 2014-001803

Dear Ms. Kitchings:

Attached is a letter and extension petition I filed with this Court on July 15, 2015 in the above-captioned case. In compliance with your instructions in your letter to me dated July 21, 2015, I have enclosed a copy of the extension request now signed by Hugh Ryan, Deputy Attorney and General Counsel for the South Carolina Commission on Indigent Defense. As the attached letter states Mr. Ryan was not available to consent on July 15, 2015.

Thank you for your letter. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Robert M. Dudek  
Chief Appellate Defender

RMD/pcm

Enclosure